

## **Public Notice – Amendment of Water Quality Management Planning Regulation**

**Notice of action:** The State Water Control Board (Board) is considering the amendment of the regulation on water quality management planning in accordance with the Public Participation Procedures for Water Quality Management Planning. A regulation is a general rule governing people's rights or conduct that is upheld by a state agency.

**Purpose of notice:** The Board is seeking comments through the Department of Environmental Quality on the proposed amendment. The purpose of the amendment to the state's Water Quality Management Planning Regulation (9 VAC 25-720) is to adopt five Total Maximum Daily Load (TMDL) waste load allocations.

**Public comment period:** October 3, 2006 to November 3, 2006

**Description of proposed action:** DEQ staff will propose amendments of the state's Water Quality Management Planning regulation for the following river basins: Potomac-Shenandoah River Basin (9 VAC 25-720-50.A), and the New River Basin (9 VAC 25-720-130.A). Statutory authority for promulgating these amendments can be found in §62.1-44.15(10) of the Code of Virginia.

Staff intends to recommend 1) that the board approve three TMDL reports as the plans for the pollutant reductions necessary for attainment of water quality goals in the impaired segments, 2) that the Board authorize inclusion of the TMDL reports in the appropriate Water Quality Management Plan, and 3) that the Board adopt five TMDL waste load allocations as part of the state's Water Quality Management Planning Regulation in accordance with §2.2-4006A.4.c. and §2.2-4006B of the Code of Virginia.

The three TMDL reports were developed in accordance with federal regulations (40 CFR §130.7) and are exempt from the provisions of Article II of the Virginia Administrative Process Act. The reports were subject to the TMDL public participation process contained in DEQ's Public Participation Procedures for Water Quality Management Planning. The public comment process provides the affected stakeholders an opportunity for public appeal of the TMDLs. EPA approved all TMDLs presented under this public notice. The approved reports can be found at <http://www.deq.virginia.gov/tmdl>

### **Affected Waterbodies and Localities:**

#### **In the Potomac - Shenandoah River Basin (9 VAC 25-720-50.A):**

*"Benthic TMDL Development for South Run, Virginia"* - South Run benthic TMDL, located in Fauquier County, proposes phosphorus reductions for portions of the watershed and provides a total phosphorus

wasteload allocation of 0.038 tons/year.

*"Total Maximum Daily Load Development for Lewis Creek, General Standard (Benthic)"* – Lewis Creek benthic TMDL, located in Augusta County and the City of Staunton, proposes reductions of sediment, lead and polycyclic aromatic hydrocarbons (PAHs) for portions of the watershed. The WLAs are 40 tons/year for sediment, 0 kg/year for lead and 0 kg/year for PAHs.

**In the New River Basin (9VAC 25-720-130.A):**

*"Total Maximum Daily Load Development for Chestnut Creek, Fecal Bacteria and General Standard (Benthic)"* - Chestnut Creek benthic TMDL, located in Carroll and Grayson Counties and the City of Galax, proposes sediment reductions for portions of the watershed and provides a sediment wasteload allocation of 18.9 tons/year. To address a bacteria impairment, this TMDL report also proposes bacteria reductions for portions of the watershed. No regulatory amendments pertaining to these bacteria reductions are proposed.

**How to comment:** The DEQ accepts written comments by email, fax and postal mail. All written comments must include the full name, address and telephone number of the person commenting and be received by DEQ by 5 p.m. on the last day of the comment period.

**How a decision is made:** After comments have been considered, the board will make the final decision. Citizens that submit statements during the comment period may address the board members during the board meeting at which a final decision is made on the proposal.

**To review documents:** The TMDL reports and the proposed regulatory amendments are available on the DEQ web site at <http://www.deq.virginia.gov/tmdl/> and by contacting the DEQ representative named below. The electronic copies are in PDF format and may be read online or downloaded.

**Contact for public comments, document requests and additional information:**

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